

REMARKS

The February 15, 2007 Office Action regarding the above-identified application has been carefully considered; and the claim amendments above together with the remarks that follow are presented in a bona fide effort to respond thereto and address all issues raised in that Action. The claims have been amended, essentially to take subject matter indicated as allowable subject matter and remove any claims of scope corresponding to claims rejected in the Action. Of course, Applicant reserves the right to file a continuing application directed to claims of scope that is different from the scope the claims as presented above. For reasons discussed below, it is believed that this case is in condition for allowance. Prompt favorable reconsideration of this amended application is requested.

Applicant notes with appreciation the Examiner's indication that claims 6, 7, 19, 21, 22, 28 and 32 would be allowable if recast in independent form.

The recitations of claim 6 have been moved up into parent claim 1. Claim 6 is cancelled above. As such, claim 1 now corresponds in scope to original claim 6 recast in independent claim form. Claim 7 depended from 6 and has been amended to depend directly from claim 1. Hence, claims 1 (former claim 6) and 7 should be allowable as the Examiner indicated. In view of the amendment of claim 1, dependent claims 2-5 and 8-10 depend from an allowable claim and incorporate the recitations thereof. Hence, claims 2-5 and 8-10 should be similarly patentable over the art; and the art rejections of those dependent claims should be withdrawn.

Claim 19 has been recast in independent form by bodily incorporating the recitations of parent claim 18 into claim 19. Claims 21 and 22 continue to depend from claim 19. Hence, claims 19, 21 and 22 should be allowable as the Examiner indicated. Although included in an art

rejection, claim 20 depends from allowable claim 19, therefore claim 20 also should be allowable over the art.

The recitations of claim 28 have been moved up into parent claim 27. Claim 28 is cancelled above. As such, claim 28 now corresponds in scope to original claim 28 recast in independent claim form. Hence, claim 27 (former claim 28) should be allowable as the Examiner indicated. In view of the amendment of claim 27, dependent claim 29 depends from an allowable claim and incorporates the recitations thereof. Hence, claims 29 should be similarly patentable over the art; and the rejection of that dependent claim should be withdrawn.

Claim 32 depended from claim 30 and through 30 from independent claim 27. The recitations of previous claim 27 and the recitations of claim 32 have been incorporated into intervening claim 30. As such, claim 30 now corresponds in scope to original claim 32 recast in independent claim form. Hence, claim 30 (former claim 32) should be allowable as the Examiner indicated. In view of the amendment of claim 30, dependent claim 31 depends from an allowable claim and incorporates the recitations thereof. Hence, claim 31 should be similarly patentable over the art; and the rejection of that dependent claim should be withdrawn.

For the reasons outlined above, all of the pending claims should now correspond to or depend from claims that the Examiner indicated allowable over the art. The art rejections in the Action should be moot in view of the claim amendments to take allowable subject matter and the cancellation of a number of art rejected claims.

The Office Action included a rejection of claim 10 for indefiniteness. The rejection asserted that the term “buffer state” does not have a clear meaning. Applicant has revised the relevant portion of the claim to recite “a state of a buffer of the one mobile station.” Paragraph [0069] of the specification, for example, discusses a Buffer State Measurement Indicator, which

may at times indicate that “the data in the buffer of the MS” has exceeded a certain threshold. It is respectfully submitted that the amended version of claim 10 is reasonably clear, concise and definite, particularly when read in light of applicant’s specification. Hence, the indefiniteness rejection of claim 10 should be overcome.

The Office Action included an objection to the drawings, apparently on the ground that the drawings allegedly do not clearly illustrate demarcation between the improvement provided by the invention and the “old machine” upon which the invention improves. The only explanation (last line of page 2 of the Action) asserts that the drawings do not illustrate the method of original claims 1-22, 33 and 34. This objection is traversed. It is respectfully submitted drawing figures such as FIGS. 2-14 and 17 clearly depict the steps/functions of the improved uplink packet transfer techniques; and FIGS. 1, 15 and 16 depict the system and stations that may be configured (improved) to implement the steps/functions of the improved uplink packet transfer techniques. This should provide an adequate illustration of the improvement and its relationship to any “old machine” of the wireless network, and it is believed that such drawings adequately illustrate the various methods and steps thereof recited in Applicant’s claims. Withdrawal of the objection to the drawings is earnestly solicited.

Upon entry of the above claim amendments, claims 1-5, 7-10, 19-22, 27 and 29-31 remain active in this application, all of which should be definite as well as patentable over the art applied in the Action. Applicant therefore submits that all of the claims are in condition for allowance. The drawing objection should be withdrawn for reasons discussed above. Accordingly, this case should now be ready to pass to issue; and Applicant respectfully requests a prompt favorable reconsideration of this matter.

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It is believed that this response addresses all issues raised in the February 15, 2007 Office Action. However, if any further issue should arise that may be addressed in an interview or by an Examiner's amendment, it is requested that the Examiner telephone Applicants' representative at the number shown below.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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